

**COURT OF APPEALS
DECISION
DATED AND FILED**

August 25, 2016

Diane M. Fremgen
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

Appeal No. 2016AP805

Cir. Ct. No. 2016CV449

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT IV**

CITY OF MADISON,

PLAINTIFF-RESPONDENT,

V.

RAY PETERSON,

DEFENDANT-APPELLANT.

APPEAL from orders of the circuit court for Dane County: WILLIAM E. HANRAHAN, Judge. *Affirmed and cause remanded for further proceedings.*

¶1 LUNDSTEN, J.¹ Ray Peterson appeals, pro se, the circuit court's order denying his motion to reconsider dismissal of his request for review of

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(b). All references to the Wisconsin Statutes are to the 2013-14 version.

municipal court judgments against Peterson for \$586,339 and \$5,353. He also appeals the underlying dismissal order.² For the reasons stated below, I affirm the circuit court's orders. I also grant the City's motion for costs, fees, and reasonable attorney fees as allowed for a frivolous appeal under WIS. STAT. RULE 809.25(3). I remand to the circuit court for an assessment of those costs and fees.

¶2 So far as the record discloses, both of the municipal court judgments against Peterson related to housing code violations for a property Peterson owns at 1306 East Washington Avenue in Madison. As noted, Peterson sought review of those judgments in the circuit court.

¶3 The circuit court dismissed Peterson's request for review and denied Peterson's subsequent reconsideration motion for two reasons. First, the court concluded that Peterson failed to show that he provided the City with a timely notice that he was seeking review of the judgments. Second, the court concluded that Peterson failed to show that he timely posted a required surety bond. The circuit court apparently agreed with the City's view that both of these actions were prerequisites for the circuit court to obtain jurisdiction or competence to proceed with review of the municipal court judgments.

¶4 On appeal, Peterson fails to develop any argument discussing either of these two grounds for dismissal. At most, he appears to make passing reference to them. Peterson instead makes a series of poorly developed arguments on other issues.

² The municipal court case numbers are 15MOR5369 and 15MOR5353.

¶5 The City responds that dismissal was proper for the reasons the circuit court provided. As noted, the City also moves for costs, fees, and reasonable attorney fees as allowed for a frivolous appeal under WIS. STAT. RULE 809.25(3).

¶6 This court has pointed out to Peterson before, and points out again now, that Peterson has had actual notice of our briefing standards. *See City of Madison v. Peterson*, No. 2015AP2160, unpublished slip op. ¶3 (WI App Apr. 14, 2016); *City of Madison v. Peterson*, No. 2015AP1998, unpublished slip op. ¶4 (WI App Apr. 14, 2016); *City of Madison v. Peterson*, No. 2014AP2276, unpublished slip op. ¶4 (WI App Mar. 26, 2015); *City of Madison v. Peterson*, No. 2014AP1306, unpublished slip op. ¶¶2-3 (WI App Mar. 5, 2015); *Peterson v. Stevens*, No. 2013AP709, unpublished slip op. ¶12 (WI App Oct. 24, 2013); *City of Madison v. Peterson*, No. 2013AP893, unpublished slip op. ¶7 (WI App Sept. 5, 2013).

¶7 This court has also pointed out to Peterson before, and points out again now, that Peterson has had actual notice of the standards for a frivolous appeal. *See Peterson*, No. 2015AP2160, unpublished slip op. ¶¶5-6 (concluding that Peterson's appeal in that case was frivolous); *Peterson*, No. 2015AP1998, unpublished slip op. ¶¶6-7 (same); *Peterson*, No. 2014AP2276, unpublished slip op. ¶5 (same). I need not repeat those standards here.

¶8 In one of Peterson's prior frivolous appeals, this court specifically explained to Peterson that his appeal was frivolous because he failed to make a non-frivolous argument addressing the grounds for the circuit court's dismissal of his request for review of a municipal court ruling. *See Peterson*, No. 2015AP1998, unpublished slip op. ¶7.

¶9 Peterson's appeal here suffers from this same failure. As a result, it should come as no surprise to Peterson that this court once again affirms the circuit court, and once again concludes that Peterson has maintained a frivolous appeal. I therefore remand to the circuit court for an assessment of costs and fees as allowed by WIS. STAT. RULE 809.25(3).

By the Court.—Orders affirmed and cause remanded for further proceedings.

This opinion will not be published. WIS. STAT. RULE 809.23(1)(b)4.

